IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7826 OF 2007

Rajendra Eknath Gavare .. Petitioner

V/s

State of Maharashtra & Ors. .. Respondents

Mr.R.K. Mendadkar for the petitioner.

Mr.R.D. Rane, Government Pleader, for respondents no.1, 2 and 4.

CORAM : S.B. MHASE &
D.G. KARNIK, JJ.

DATE : 23RD OCTOBER 2007

**P.C.** :

1. Heard learned counsel for the petitioner.

2. By this petition, the petitioner challenges the order dated 18th August 2007 passed by the Scheduled Tribes Certificate Scrutiny Committee, Pune Region rejecting the petitioner’s claim that he belongs to the "Mahadeo Koli" tribe.

3. The petitioner having obtained the certificate from the Sub-Divisional Officer that he belongs to "Mahadeo Koli", applied to the Tribe Scrutiny Committee

for validation of the certificate. After considering the evidence on record, the Scrutiny Committee came to the conclusion that the petitioner does not belong to "Mahadeo Koli" tribe. The Committee took into consideration various entries in respect of the petitioner’s paternal blood relations regarding their caste recorded in the school register at the time of their admission. The documents have been recorded in paragraph 3 of the order of the Scrutiny Committee. The persons at serial nos.1 to 11 are the relatives of petitioner’s father, uncles, real brother, real sisters, cousin brothers and cousin sisters. Their castes were recorded as Koli or Hindu Koli in the school register at the time of admission. The entries in the school register are from 1st March 2927 to 1st 22nd June 1973. At least four of three entries are pre-constitutional, i.e. of the years prior to 1950. On the basis of these entries and considering all other relevant evidence, the Scrutiny Committee has come to the conclusion that the petitioner failed to prove that he belongs to Mahadeo Koli tribe.

4. In paragraph 14 of the decision in the case of **Kumari Madhuri Patil v. Additional Commissioner, Tribal Development, reported in AIR 1995 SC 94**, the Supreme Court held that the High Court exercising writ

jurisdiction under Article 226 of the Constitution of India is not a court of appeal nor required to reappreciate the evidence. The jurisdiction of the High Court is limited to ensure that the Caste Scrutiny Committee has considered all the relevant facts. The Caste Scrutiny Committee is a final authority of facts and the decision reached by it is final and binding. We find that the Caste Scrutiny Committee has considered all the relevant evidence and on appreciation of all relevant evidence has recorded its finding of fact. There is no reason to interfere in exercise of our writ jurisdiction in the said findings. Writ petition is accordingly rejected summarily.

(D.G. KARNIK, J.) (S.B. MHASE, J.)